

## **CHAPTER 9 HEALTH AND SANITATION<sup>1</sup>**

### **ARTICLE 9-1 GARBAGE AND TRASH REMOVAL**

9-1-1	Definitions
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#### **Section 9-1-1 Definitions**

In this chapter unless the context otherwise requires:

- A. "Garbage" means all putrescible wastes, except sewage and body wastes, including all organic wastes that have been prepared for, or intended to be used as, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residences.
- B. "Refuse" means all garbage and trash.
- C. "Trash" means all nonputrescible wastes.

#### **Section 9-1-2 Requirements for Hauling Garbage**

It is unlawful for any person to haul or cause to be hauled on or along any public street in the city any garbage, unless such garbage is contained in strong, watertight vehicles or vehicles with watertight receptacles, constructed to prevent any such garbage from falling, leaking or spilling and any odor from escaping.

#### **Section 9-1-3 Spilled Refuse**

Any person hauling any refuse along the streets of the city shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street.

#### **Section 9-1-4 Dumping Refuse**

It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the city, except as specifically permitted in this chapter.

#### **Section 9-1-5 Use of Private Garbage Containers**

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As of 06/19/07

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It is unlawful for any person to deposit, or cause to be deposited, any refuse in any non-public container that he does not own or is not otherwise entitled to use as a tenant or by permission of the owner or lessee of the container.

### Section 9-1-6 Unattended Containers

No person shall place, display or maintain any unattended container for soliciting deposit of recyclable materials or donated items in any exterior location within the city limits, except in conformance with all of the following provisions:

1. Such unattended containers may be located only within the parking lot of private property lawfully zoned, developed and used for commercial or industrial purposes or at schools, churches or charitable organizations which have similar parking facilities.

2. Such unattended containers may be located only with the permission of the property owner, his agent or the person in possession of the property, and the container owner's name and current telephone number shall be displayed thereon in a conspicuous location.

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3. The owner of such unattended container and the property owner shall be jointly and severally responsible for maintaining all exterior areas within twenty-five feet of the container and shall keep such area free from litter at all times.

### Section 9-1-7 Collection<sup>2</sup>

Garbage haulers shall institute twice-a-week garbage collection, unless a garbage hauler has City Council approval to institute once-a-week recyclable material collection at curbside, in addition to once-a-week garbage collection.

### Section 9-1-8 Fly Tight and Clean Garbage Containers<sup>3</sup>

All garbage haulers operating within the City limits shall provide fly-tight and clean garbage containers that are in good condition. Residents shall keep containers reasonably clean and free from fly larva, intense odors, and unusually high number of flies. Containers found to contain fly larva shall immediately be removed from service, thoroughly cleaned by the resident, and returned to service.

### Section 9-1-9 Inspections<sup>4</sup>

City of Maricopa shall inspect annually a minimum of 25% of the single-family residential containers. Inspections will determine resident compliance with applicable laws and regulations, and ensure that refuse haulers are providing fly-tight containers in good condition. The City shall maintain an inspection log.

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<sup>2</sup> Amended Section 9-1-7 Ordinance 07-03 Adopted 02/06/07

<sup>3</sup> Amended Section 9-1-8 Ordinance 07-03 Adopted 02/06/07

<sup>4</sup> Amended Section 9-1-9 Ordinance 07-03 Adopted 02/06/07

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### Section 9-1-10 Enforcement<sup>5</sup>

Failure to comply may subject residents and/or garbage haulers to penalties including, but not limited to, initial warnings, civil action, and/or removal from the variance, which would mandate subsequent twice-a-week garbage service.

### ARTICLE 9-2 REMOVAL OF LITTER

9-2-1	Definitions
9-2-2	Litter on Private Property
9-2-3	Owner to Maintain Premises
9-2-4	Procedure to Compel Removal of Litter
9-2-5	Notice to Remove
9-2-6	Service of Notice
9-2-7	Appeal to City Manager
9-2-8	Removal by City
9-2-9	Lien for Removal
9-2-10	Placement of Debris
9-2-11	Remedies for Violation

### Section 9-2-1 Definitions

In this article, unless the context otherwise requires:

- A. "Litter" means any rubbish, trash, weeds, filth or debris which constitute a hazard to public health and safety and shall include all putrescible and nonputrescible solid wastes including garbage, trash, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste; any deposit, accumulation, pile or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever; and any growth of weeds, brush, grass or other vegetable growth to an unreasonable height or in unreasonable amount. Any debris created during any construction shall be considered litter for purposes of this section, as will any handbills, posters or other similar advertising material posted within the city and not removed within seventy-two hours after the time of event.
- B. "Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.
- C. "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

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### **Section 9-2-2 Litter on Private Property**

No person shall throw or deposit litter on any occupied or unoccupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place.

### **Section 9-2-3 Owner to Maintain Premises**

The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of refuse in suitable containers.

### **Section 9-2-4 Procedure to Compel Removal of Litter**

The city manager shall enforce the provisions of sections 9-2-2 and 9-2-3 by prosecuting violators in the Maricopa municipal court pursuant to the criminal provisions of this code. If such prosecution fails to secure compliance with the provisions of said sections, or in the event of inability to prosecute violators by reason of failure to secure jurisdiction over their persons, the manager shall compel the removal of litter by the procedure outlined in sections 9-2-5 through 9-2-9 hereof.

### **Section 9-2-5 Notice to Remove**

To compel the removal of litter through the provisions of this section and of sections 9-2-6 through 9-2-9, if a person owning and/or controlling any property fails, neglects or refuses to remove or properly dispose of litter, located on property owned and/or controlled by such person, both the owner of the property and the person who is in control of the property shall be given written notice by the manager to remove all litter from such property within ten days from the date the notice was received by the owner and/or person in control of the property, and prior to the date of compliance on the notice. Such notice shall be received not less than ten days before the date set thereon for compliance and shall contain an estimate of the cost of removal by the city, a statement that unless the person owning and/or controlling such property complies therewith within ten days from the date such written notice is received that the city will, at the expense of both the person owning and the person controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that the owner and/or the controller of the property may appeal in writing to the city manager within ten days from the date the notice is received by him and prior to the date of compliance.

### **Section 9-2-6            Service of Notice**

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Notice shall be personally served on the owner or person controlling such property, by a police officer of the city in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address.

### **Section 9-2-7            Appeal to City Manager**

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the city manager from the demand of the notice. The city manager shall hear and determine the same and the decision of the city manager shall be final. The city manager may either affirm or reverse the decision of the sanitation department or modify the scope of the work as required in the notice.

### **Section 9-2-8 Removal by City**

When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the council on appeal, fails, neglects or refuses to move from such property any or all litter, the manager is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the manager shall prepare a verified statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address and the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in section 9-2-6. The owner or person controlling such property shall have thirty days from the date of service upon him to appeal in writing to the council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the clerk within such thirty day period, then the amount of the assessment as determined by the manager shall become final and binding. If an appeal is taken, the council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the council shall be final and binding on all persons.

### **Section 9-2-9 Lien for Removal**

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and, from the date of its recording, shall be a lien on said lot or tract of land until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgage and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The city shall have the right to bring an action to enforce the lien in the superior court at any time after the

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recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

### **Section 9-2-10          Placement of Debris**

It is unlawful for any person, firm or corporation to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person, firm or corporation and, in addition to any fine which may be imposed for a violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.

### **Section 9-2-11          Remedies for Violation**

The remedies previously provided for in this article for any violation of its provisions are not exclusive. The city may pursue any lawful means to collect any amounts due, including, but not limited to, turning the matter over to a collection agency.